



Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
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P.O. Box 806
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15-DAY PUBLIC NOTICE AND COMMENT PERIOD NOTICE OF PUBLIC AVAILABILITY OF POST-HEARING CHANGES

UNIVERSAL WASTE RULE DEPARTMENT REFERENCE NUMBER: R-97-08

Pursuant to Government Code Section 11346.8(c), notice is hereby given that the Department of Toxic Substances Control (DTSC) has revised the text of the proposed regulations that would establish special management standards for certain hazardous wastes known as "universal wastes."

A public hearing was held on February 28, 2001. Written and oral testimony was accepted at that hearing. In addition, written comments were accepted during the 60 day public comment period that ended February 28, 2001. Subsequently, post-hearing changes were made available for public review and comment through a 15-day notice issued on August 10, 2001. DTSC has determined that additional post-hearing changes to the proposed text are necessary. DTSC has also determined that these changes do not impact the findings of the previously circulated proposed Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA).

These new changes to the rulemaking phase in the substantial reductions in the amount of universal waste that may be disposed as non-hazardous waste during the effective period of the exemption for conditionally exempt small quantity universal waste generators. The exempted quantity will fall from the initial cumulative 220 pounds per month to a much smaller level. The changes proposed in the attached amendments would phase in this reduction over a two year period, to give handlers sufficient time to remain in compliance while they learn the new rules and for DTSC and the Certified Unified Program Agencies (CUPAs) to communicate the diminishing amounts of allowable exempted waste to the regulated community.

This notice includes all revisions now proposed to the original rulemaking and the previous 15-day notice of post-hearing changes. Notice is given that any interested

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.*

persons may submit comments regarding these newly proposed revisions, and only these revisions, of the text to:

Joan Ferber
Department of Toxic Substances Control
Environmental Analysis and Regulations Section
Office of Environmental Analysis, Regulations and Audits

Mailing address: PO Box 806
Sacramento, California 95812-0806

e-mail address: jferber@dtsc.ca.gov

Fax number: 916-323-3215

Written comments received prior to 5:00 p.m. on November 26, 2001 will be considered. A copy of the revised text is attached. Note that text that has not been modified for this comment period has not been reprinted in this notice and is represented by ellipsis (...).

The changes to the original text are indicated as follows:

Underline	<u>Underline</u>	Text proposed to be added to existing regulations in the first public comment period and the first 15 day notice of post-hearing changes
Strikeout	Strikeout	Text proposed to be deleted from existing regulations in the first public comment period and the first 15 day notice of post-hearing changes
Bold/underline	<u>Bold/underline</u>	Text proposed to be added to the rulemaking in this public comment period (most current revisions)
Bold/underline/strikeout	<u>Bold/underline/strikeout</u>	Text proposed to be deleted from the rulemaking in this public comment period (most current revisions)

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The information which forms the basis for the revisions is available for public inspection between 8:00 am and 5:00 pm at the Environmental Analysis and Regulations Section, located at 1001 I Street, 22nd Floor, Sacramento, California. Requests and inquiries concerning this matter may be directed to Joan Ferber, Environmental Analysis and Regulations Section, at the address indicated above, or by telephone at (916) 322-6409. Inquires regarding the technical aspects of the proposed amendments considered should be directed to André Algazi of DTSC at (916) 324-3114 but will not be considered as comments to be addressed in the official rulemaking record.

Dated: 11/07/01

Original Signed By: _____
James McRitchie, Chief
Office of Environmental Analysis,
Regulations, and Audits

Amend Title 22, section 66260.10 to read:

§66260.10. Definitions.

* * *

“Conditionally exempt small quantity universal waste generator” means a generator of universal waste who generates:

(1) Until [OAL INSERT DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THESE REGULATIONS]:

(1A) no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste, but excluding CRT materials that are managed as universal waste under this chapter; and

(B) remains in compliance with 40 CFR section 261.5; and

(2) from [OAL INSERT DATE TWO YEARS AND ONE DAY AFTER THE EFFECTIVE DATE OF THESE REGULATIONS] until [OAL INSERT DATE FOUR YEARS AFTER THE EFFECTIVE DATE OF THESE REGULATIONS]:

(A) no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste; and

(2B) no more than 30 universal waste lamps in any calendar month; and

(3C) no more than 20 pounds of universal waste batteries in any calendar month;
and

(4D) remains in compliance with 40 CFR section 261.5.

* * *

Add Title 22, Section 66273.8 to read as follows:

§66273.8. Applicability--Household and Conditionally Exempt Small Quantity Generator Waste.

(a) Until [OAL INSERT DATE FOUR YEARS AFTER THE EFFECTIVE DATE OF THESE REGULATIONS], universal waste batteries, universal waste lamps, and universal waste mercury thermostats produced by a household, as defined in section 66273.9, produced incidental to owning or leasing and maintaining a place of residence, is not classified as hazardous waste may be managed as non-hazardous solid waste, provided it is recycled by a destination facility or is disposed in a landfill permitted to accept municipal solid waste or hazardous waste.

(b) Until [OAL INSERT DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THESE REGULATIONS], 220 pounds or less per month of universal waste batteries, universal waste thermostats, and universal waste lamps generated by conditionally exempt small quantity universal waste generators as defined in section 66273.9 may be managed as non-hazardous waste, provided it is recycled by a destination facility or is disposed in a landfill permitted to accept municipal solid waste or hazardous waste and the generator remains in compliance with subsections (c)(2), (c)(3), and (c)(4) of this section. The quantity limit applies to the total amounts of universal waste batteries, universal waste thermostats, and universal waste lamps added together.

(bc) From [OAL INSERT DATE TWO YEARS AND A DAY AFTER THE EFFECTIVE DATE OF THESE REGULATIONS] and Until [OAL INSERT DATE FOUR YEARS AFTER THE EFFECTIVE DATE OF THESE REGULATIONS], universal waste batteries, universal waste lamps, and universal waste mercury thermostats produced by a conditionally exempt small quantity universal waste generators, as defined in section 66273.9, is not classified as hazardous waste may be managed as non-hazardous solid waste, provided **it is they are** managed according to the following criteria:

(1) ~~No more than 25 fluorescent lighting tubes are discarded in any one day at any one location; and Universal wastes are disposed as non-hazardous waste in no more than the following quantities:~~

(A) No more than 30 **universal waste** lamps in any calendar month; and

(B) No more than 20 pounds of **universal waste** batteries in any calendar month;

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and

(C) No **universal waste** thermostats.

(2) The generator's total generation of RCRA hazardous waste and universal waste does not exceed 100 kilograms (220 pounds) or, if the generator generates acutely hazardous waste, 1 kilogram (2.2 pounds) of acutely hazardous waste, in any calendar month; **and**

(3) The waste is recycled by a destination facility or disposed in a landfill permitted to accept municipal solid waste or hazardous waste; and

(4) The generator remains in compliance with 40 CFR section 261.5.

(ed) Persons who commingle the **household and conditionally exempt small quantity universal waste generator** wastes described in subsection (a), **and** (b), **and** (c) of this section together with other universal waste regulated under this chapter shall manage the commingled waste under the requirements of this chapter.

(e) Persons managing universal waste identified as household hazardous waste pursuant to 40 CFR section 261.4 and persons identified as conditionally exempt small quantity generators pursuant to 40 CFR section 261.5 may, at their option, manage their universal wastes under this chapter. If these persons decide to not manage their waste pursuant to this chapter, as provided in this section, these wastes must be managed pursuant to the standards for other hazardous wastes under this division and Chapter 6.5 of the Health and Safety Code.

NOTE: Authority Cited: Section 25141, 25150, 25219.1, 58012, Health and Safety Code. Reference: 25141, 25150, 25159.5, 25219, 25219.1, 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5, and 273.8.

Add Title 22, Section 66273.9 to read as follows:

§66273.9. Definitions.

* * *

“Conditionally exempt small quantity universal waste generator” means a generator of universal waste who generates:

(1) Until [OAL INSERT DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THESE REGULATIONS]:

(1A) no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste, but excluding CRT materials that are managed as universal waste under this chapter; and

(B) remains in compliance with 40 CFR section 261.5; and

(2) from [OAL INSERT DATE TWO YEARS AND ONE DAY AFTER THE EFFECTIVE DATE OF THESE REGULATIONS] until [OAL INSERT DATE FOUR YEARS AFTER THE EFFECTIVE DATE OF THESE REGULATIONS]:

(A) no more than 100 kilograms (220 pounds) of RCRA hazardous wastes and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month including all universal waste and all RCRA hazardous waste; and

(2B) no more than 30 universal waste lamps in any calendar month; and

(3C) no more than 20 pounds of universal waste batteries in any calendar month;
and

(4D) remains in compliance with 40 CFR section 261.5.

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